

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:22-mj-03210-Reid

UNITED STATES OF AMERICA

vs.

LUIS FERNANDO VILLANUEVA PERDOMO,

Defendant.

/

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? Yes No
3. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? Yes No

Respectfully submitted,

JUAN ANTONIO GONZALEZ
UNITED STATES ATTORNEY

BY:


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UNITED STATES DISTRICT COURT
for the
Southern District of Florida

United States of America)
v.)
LUIS FERNANDO VILLANUEVA PERDOMO,) Case No. 1:22-mj-03210-Reid
)
)

Defendant(s)

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 12, 2022 in the county of Miami-Dade in the
Southern District of Florida, the defendant(s) violated:

Code Section

Offense Description

Title 18 U.S.C. § 545

Attempted Smuggling of Merchandise into United States

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT.

Continued on the attached sheet.

Complainant's signature

Attested to by the Applicant in accordance with the requirements of Fed.R.Crim.P. 4.1 by FaceTime

Date: July 13, 2022

Fintle Beck

Judge's signature

City and state: Miami, Florida

Hon. Lisette M. Reid, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Richard Shoemaker, being duly sworn, hereby deposes and states the following:

INTRODUCTION AND BACKGROUND

1. I am employed as a Special Agent (“SA”) with the Department of Homeland Security, Homeland Security Investigations (“HSI”) and have been so employed since April 2019. Prior to my employment as a SA with HSI, I served as a SA with the United States Secret Service (“USSS”) for five (5) years. Prior to my employment as a SA with the USSS, I served as a Police Officer, Detective, and Supervisor with the Jacksonville Beach Police Department for ten (10) years. During the course the of my career, I have been trained to conduct criminal investigations involving or relating to narcotics trafficking offenses. I have also completed the Criminal Investigator Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia, the Secret Service Academy in Beltsville, Maryland, and the HSI Academy in Glynco, Georgia.

2. In my current position as a Special Agent with HSI, I am an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18 of the United States Code; that is, an officer of the United States who is empowered by law to conduct investigations and make arrests for offenses enumerated in Titles 8, 18, 19 and 21 of the United States Code. In my current capacity, I am responsible for conducting criminal investigations involving narcotics, money laundering, fraud, smuggling, and related offenses contained in Title 8, 18, 19, and 21 of the United States Code. I have participated in numerous investigations involving these violations and I am familiar with methods and practices of persons accused of such crimes.

3. The facts set forth in this Affidavit are based on my personal knowledge as well as documents provided to me in my official capacity, information obtained from other individuals, including officers, my review of documents and records related to this investigation, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. Because this Affidavit is submitted solely for the purpose of establishing probable cause, it does not contain all the information known about this investigation.

4. As more fully described below, I respectfully submit that there is probable cause to believe that Luis Fernando VILLANUEVA Perdomo (VILLANUEVA) knowingly committed a violation of Title 18, United States Code, Section 545 (smuggling).

PROBABLE CAUSE

5. On July 12, 2022, VILLANUEVA, arrived on at Miami International Airport on American Airlines Flight 1142 from Cali, Colombia. Upon his arrival, United States Customs and Border Protection (“CBP”) officers selected VILLANUEVA for a secondary inspection.

6. Federal law requires individuals to declare certain items, including gold, to a CBP officer upon entry into the United States. At the inspection point, VILLANUEVA filled out a binding United States Customs Declaration Form 6059B (“Form 6059B”). VILLANUEVA stated that he did not have commercial merchandise to declare. VILLANUEVA failed to declare the necklace and bracelet he was wearing—both later identified as gold.

7. Subsequently, CBP officers conducted a search of VILLANUEVA’s person, which revealed an unfinished yellow necklace around VILLANUEVA’s neck, and an unfinished yellow bracelet on VILLANUEVA’s wrist. The necklace and bracelet appeared to

be oddly shaped and lacking a clasp or fastener that would allow the jewelry to be worn for long periods of time. CBP Officers noticed the above irregularities and inspected the jewelry as it is a common concealment method for smuggling gold into the United States.

8. CBP officers used an X-Ray Fluorescence Spectroscopy (XRF) to determine if the yellow necklace and bracelet were made of gold. Both the necklace and bracelet tested positive for gold (99.99% Au (gold) +/- 18) and weighed approximately 0.450 kg. Based on the weight and the price of gold on July 12, 2022, the approximate retail value of the necklace and bracelet was \$25,000.

9. During a post-*Miranda* interview with HSI agents, VILLANUEVA admitted he knew that the necklace and bracelet he attempted to bring into the United States on July 12, 2022, were made of gold.

10. VILLANUEVA further admitted that he and Andres Colero converted raw gold into jewelry in Colombia to circumvent United States Customs importation regulations and requirements.

11. VILLANUEVA further stated that he was bringing the gold into the United States to sell it.

12. HSI agents conducted a border search of VILLANUEVA's phone and found, among other items, (1) a photo of a necklace and bracelet on a scale resembling the ones found in his possession on July 12, 2022, (2) multiple conversations regarding the smuggling of gold into the United States, (3) videos of the manufacturing process for known gold smuggling techniques, and (4) WhatsApp conversations with other individuals discussing details of VILLANUEVA's gold smuggling operation.

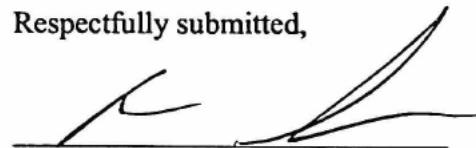
13. Based on my training and experience, these photographs and conversations are consistent with an individual who is actively involved in buying, selling, transporting, and/or trading gold and they are consistent with VILLANUEVA's statements and activities related to the gold necklace and bracelet found in his possession as he attempted to enter the United States on July 12, 2022.

CONCLUSION

14. Based on the aforementioned facts, I submit that there is probable cause to believe that VILLANUEVA , did knowingly and willfully, with the intent to defraud the United States, attempt to smuggle and clandestinely introduce into the United States, from a place outside thereof, merchandise, that is, approximately 0.450 kilograms, of gold, with an estimated value of \$25,000, which should have been declared, in violation of Title 18, United States Code, Section 545.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Respectfully submitted,



Richard Shoemaker, Special Agent
Homeland Security Investigations

Attested to by the Applicant in accordance with
the requirements of Fed. R. Crim. P. 4.1
by Face Time this 13th day of July, 2022.



HON. LISETTE M. REID
UNITED STATES MAGISTRATE JUDGE